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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
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9 DESIDERIO LOPEZ,

10 Plaintiff,

11 v.

12 UNITED PARCEL SERVICE, INC.,

13 Defendant.  
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Case No. 2:09-CV-02209-KJD-PAL

**ORDER**

15 Currently before the Court is Defendant United Parcel Service, Inc.'s ("UPS") Motion to  
16 Dismiss (#31), filed November 23, 2010. The Court issued a Klinge Order (#32) on November 24,  
17 2010, advising Plaintiff of the requirement to file a responsive pleading to Defendant's dispositive  
18 Motion, and admonishing Plaintiff that failure to file a responsive pleading within fourteen (14) days  
19 would lead to dismissal of the action pursuant to Local Rule 7-2(d).

20 Also before the Court is a Report and Recommendation (#33) entered by Magistrate Judge  
21 Peggy A. Leen recommending that the Court grant Defendant's Motion to Dismiss. The Court has  
22 reviewed the Motion to Dismiss and Report and Recommendation, and good cause appearing, **IT IS**  
23 **HEREBY ORDERED** that the Magistrate Judge's Report and Recommendation should be  
24 **AFFIRMED** and **ADOPTED** in whole.

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1       **IT IS THEREFORE ORDERED** that the Magistrate Judge's Report and Recommendation  
2       (#33) entered December 30, 2010, is **AFFIRMED** and **ADOPTED** in whole.

3       **IT IS FURTHER ORDERED** that Plaintiff's action is **DISMISSED**, with prejudice.  
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5       DATED this 19th day of January, 2011.  
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10       Kent J. Dawson  
11       United States District Judge  
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